

S.B. 211 Effective immediately
S.B. 218 Effective immediately
S.B. 235 Effective immediately
S.B. 275 Effective August 29, 1983
S.B. 347 Effective June 1, 1983
and September 1, 1983
S.B. 422 Effective immediately
S.B. 486 Effective immediately
S.B. 508 Effective immediately
S.B. 139 Effective immediately

Sent to Governor
(April 27, 1983)

S.C.R. 90
S.C.R. 91
S.B. 127
S.B. 203
S.B. 214
S.B. 358
S.B. 660

Sent to Comptroller
(April 27, 1983)

S.B. 282
S.B. 445
S.B. 467

Sent to Governor
(April 27, 1983)

S.B. 282
S.B. 445
S.B. 467

FIFTY-EIGHTH DAY
(Continued)
(Thursday, April 28, 1983)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

After suspending the regular order by unanimous consent, the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

S.B. 200 (Santiesteban) Relating to the sale of alcoholic mixed beverages at certain airports and professional sports stadia. (30-1) Washington "Nay" (31-0)

C.S.S.B. 226 (Leedom) Relating to information given to and consent required of parents or guardians of students recommended for attendance at or attending a school-community guidance center. (30-1) Washington "Nay" (31-0)

C.S.S.B. 303 (Glasgow) Relating to suspensions of drivers' licenses based on findings of habitual violation of traffic laws. (30-1) Washington "Nay" (31-0)

C.S.S.B. 306 (Kothmann) Relating to accessibility of polling places to the elderly and physically handicapped. (30-1) Washington "Nay" (31-0)

S.B. 471 (Mauzy) Amending the Hospital Authority Act to provide an alternate method of selecting members of the board of directors of a hospital authority created under said Act. (30-1) Washington "Nay" (31-0)

Senator Mauzy offered the following amendment to the bill:

Amend **S.B. 471** by adding after the word "Statutes" and before the words "the governing body" the following:

"and is located in more than two counties,"

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 563 (Washington) Relating to the authority of courts in certain counties to participate in the supervision and administration of probation offices. (30-1) Washington "Nay" (31-0)

C.S.S.B. 682 (Montford) Relating to the microfilm preservation of records made or received by local governments. (30-1) Washington "Nay" (31-0)

S.B. 732 (Henderson) Relating to election of directors of municipal utility districts. (30-1) Washington "Nay" (31-0)

S.B. 733 (Henderson) Relating to payment for construction work by municipal utility districts. (30-1) Washington "Nay" (31-0)

S.B. 738 (Sharp) Relating to the application requirement for property tax exemptions for disabled veterans and the survivors of certain veterans. (30-1) Washington "Nay" (31-0)

S.B. 765 (Leedom) Relating to the regulation of motor vehicle equipment by the Department of Public Safety. (30-1) Washington "Nay" (31-0)

Senator Leedom offered the following committee amendment to the bill:

Amend **S.B. 765**, Section 1, page 5, line 5, by adding such after "providing".

Amend Section 1, page 5, line 6, by striking the period and adding which is permissible under provisions of the Federal Motor Vehicle Act.

Amend Section 1, page 5, line 25, by striking the period and adding: ; Provided that it is an affirmative defense to prosecution under this Section that the person did not have reason to know, in the exercise of due care that the item of equipment was not in compliance with the applicable standard.

Amend Section 1, page 7, line 3, by striking "when an item of vehicle equipment is first offered for sale in this State," and adding concurrent with the first sale within this State of an item of vehicle equipment, or thereafter,

Amend Section 1, page 7, line 9, by striking “when the item is first offered for sale in this State, a report including” and adding concurrent with the first sale of the item in this State, or thereafter, adequate

Amend Section 1, page 8, line 2, by adding new subsections g and h to read as follows:

“(g) The Department may not require certification or approval of motor vehicle equipment subject to Federal Motor Vehicle Safety Standards and may not impose product certification or approval fees, including fees for laboratory approvals.

“(h) The Department may undertake independent testing of vehicles and equipment subject to Federal Motor Vehicle Safety Standards and may require manufacturers to submit adequate test data concurrently with first sale, or thereafter, showing compliance with Federal standards. The Department may review a manufacturer’s laboratory testing data as well as the qualifications of the laboratory selected by the manufacturer. However, the Department may not require manufacturers to use outside laboratories or specified laboratories.”

Amend Section 1, page 8, line 7, by striking “in effect” and substituting applicable.

The committee amendment was read and was adopted.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 809 (Washington) Relating to admission of certain students to the Texas School for the Deaf. (30-1) Washington “Nay” (31-0)

S.B. 818 (Brooks) Relating to allowing certain convalescent and nursing homes and related institutions to operate under different standards and the requirements of the certificate of need program. (30-1) Washington “Nay” (31-0)

S.B. 926 (Doggett) Relating to recovery of costs and attorney’s fees in defense of a frivolous claim raised by a State agency. (30-1) Washington “Nay” (31-0)

S.B. 974 (Jones) Relating to the calculation of the effective tax rate for a taxing unit. (29-2) Mauzy, Washington “Nay” (30-1) Mauzy “Nay”

S.B. 975 (Jones) Relating to the exemption of implements of husbandry from ad valorem taxation. (29-2) Mauzy, Washington “Nay” (30-1) Mauzy “Nay”

S.B. 977 (Jones) Relating to property tax appraisal studies conducted by the State Property Tax Board. (29-2) Mauzy, Washington “Nay” (30-1) Mauzy “Nay”

S.B. 978 (Jones) Relating to the time at which the board of directors of an appraisal district receives the proposed budget for the district. (29-2) Mauzy, Washington “Nay” (30-1) Mauzy “Nay”

S.B. 980 (Jones) Relating to the date by which rendition statements and property reports must be delivered to the chief appraiser. (29-2) Mauzy, Washington “Nay” (30-1) Mauzy “Nay”

Senator Jones offered the following committee amendment to the bill:

Amend **S.B. 980**, SECTION 1 on lines 11-15, by striking subsection (b) and inserting the following:

"(b) Upon written request by a property owner the chief appraiser by written order shall extend a deadline for filing a rendition statement or property report until April 30."

The committee amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 981 (Jones) Relating to judicial review of determinations concerning the situs of personal property for ad valorem taxation. (29-2) Mauzy, Washington "Nay" (30-1) Mauzy "Nay"

Senator Jones offered the following committee amendment to the bill:

Amend **S.B. 981** by adding a new Section 1 to read as follows and renumbering all subsequent sections:

SECTION 1. Section 42.21, Tax Code, is amended to read as follows:

Sec. 42.21. PETITION FOR REVIEW. A party who appeals as provided by this chapter must file a petition for review with the district court within 45 days after the party received notice that a final order has been entered from which an appeal may be had or if suit is filed as provided in Sec. 42.275 of this Code, 45 days after final determination of that suit; failure to timely file a petition bars any appeal under this section. Citation is issued and served in the manner provided by law for civil suits generally.

The committee amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 1020 (Truan) Relating to clarifying the plan of operation of the Texas Catastrophe Property Insurance Association. (30-1) Washington "Nay" (31-0)

S.B. 1033 (Sharp) Relating to the authority of a county commissioners court to regulate the keeping of certain wild animals. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1036 (Sharp) Relating to the authority of the Guadalupe-Blanco River Authority to regulate certain activities. (30-1) Washington "Nay" (31-0)

S.B. 1053 (Kothmann) Relating to utility rate relief programs of municipalities. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1097 (Uribe) Relating to limited guardianship for incapacitated persons. (30-1) Washington "Nay" (31-0)

S.B. 1143 (Brown) Relating to inclusion of land previously appraised as agricultural or open-space land as part of a residence homestead for property tax purposes. (30-1) Washington "Nay" (31-0)

S.B. 1166 (Glasgow) Relating to Tarleton State University. (30-1) Washington "Nay" (31-0)

S.B. 1222 (Blake) Relating to the regulation of the sale of eggs and to expenses for out-of-state inspections. (30-1) Washington "Nay" (31-0)

S.B. 1273 (Montford) Relating to the creation of municipal courts of record in the City of Odessa. (30-1) Washington "Nay" (31-0)

S.B. 1274 (Jones) Relating to public school finance and the calculation of the effective tax rate of a school district. (30-1) Washington "Nay" (31-0)

S.B. 1292 (Farabee) Relating to the creation, administration, powers, duties, operation and financing of the Foard County Hospital District. (30-1) Washington "Nay" (31-0)

S.B. 1325 (Williams) Repealing a prohibition on the use of certain arrows in archery hunting. (30-1) Washington "Nay" (31-0)

S.C.R. 65 (Doggett) Granting William E. Anderson permission to sue the State of Texas. (vv)

S.C.R. 66 (Brooks) Relating to adopting the definition of autism and other pervasive developmental disorders as stated in the third edition of the Diagnostic and Statistical Manual. (vv)

S.C.R. 67 (Brooks) Relating to developing rules ensuring the coordination of identification diagnosis, referral, evaluation, training and education within a continuum of services to persons with autism or other pervasive developmental disorders. (vv)

S.C.R. 68 (Brooks) Requiring individual educational plans for students with autism or other pervasive development disorders. (vv)

S.C.R. 69 (Brooks) Relating to developing a written plan and interagency agreement addressing vocational training program standards, vocational program evaluation guidelines and a continuum of vocational services for persons having autism. (vv)

S.C.R. 70 (Brooks) Relating to developing State licensing standards for residential facilities serving adult persons having autism or other pervasive developmental disorders. (vv)

S.C.R. 71 (Brooks) Directing the Central Education Agency and the Texas Department of Mental Health and Mental Retardation to develop training program standards and curriculum for families whose relatives have autism or other pervasive developmental disorders. (vv)

S.C.R. 72 (Brooks) Relating to including persons with autism or other pervasive developmental disorders in existing respite care services. (vv)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 8:54 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

Filed Without Signature of Governor
(April 26, 1983)

S.C.R. 44